

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CHESTER CLIFTON GRAHAM,

Plaintiff,

COURT FILE NO.: 0:13-cv-00138-JNE-JJG

v.

DEFENDANT'S RULE 26(f) REPORT

GILA, LLC, d/b/a MUNICIPAL SERVICES
BUREAU,

Defendant.

The pretrial conference in this matter is scheduled for February 28, 2013 at 9:30 a.m., before the United States Magistrate Judge Jeanne J. Graham by telephone. James R. Bedell, 612-877-5310, will appear for Defendant. On information and belief. Plaintiff Chester Graham, 952-388-7059, will appear pro se.

DESCRIPTION OF CASE

1. Concise Factual Summary of Defendant's Claims;

Defendant denies that it violated the TCPA as alleged by Plaintiff and restates its affirmative defenses as set forth in its Answer.

2. Statement of Jurisdiction (including statutory citations);

Jurisdiction is appropriate pursuant to 47 USC 227 (Telephone Consumer Protection Act).

3. Summary of Factual Stipulations or Agreements;

None.

4. Statement of whether jury trial has been timely demanded by any party;

Plaintiff has served a Demand for Jury Trial on Defendant.

5. Statement of whether all process has been served; and,

All process has been served.

6. List all insurance carriers/indemnitors, including limits of coverage of each defendant or statement that defendant is self-insured.

Defendant is self-insured.

DISCOVERY SCHEDULE/DEADLINES

1. All pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before **March 7, 2013**.
2. Fact discovery shall be commenced in time to be completed on or before **August 1, 2013**.

DISCOVERY LIMITATIONS

1. No more than a total of **25** interrogatories, counted in accordance with Rule 33(a), shall be served by each side. No more than **25** document requests and no more than **25** requests for admissions shall be served by each side.
2. No more than **3** depositions, excluding expert witness depositions, shall be taken by either side.
3. (If applicable) No more than **N/A** Rule 35 Medical Examinations shall be taken by Defendant and completed by **N/A**.
4. List any issues relating to disclosure or discovery of electronically stored information, including the form(s) in which it should be produced if discoverable. **Defendant will produce electronically stored information via PDF format.**

EXPERTS

The parties anticipate that they will not require expert witnesses at time of trial.

1. Each side may call up to **0** expert witnesses. Accordingly, each party may take one deposition per expert.
2. Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) and the full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:
 - a. Identities by Plaintiff on or before **N/A**.

- Reports by Plaintiff on or before **N/A.**
- b. Identities by Defendant on or before **N/A.**
- Reports by Defendant on or before **N/A.**
3. Expert discovery, including depositions, shall be completed by **N/A.**

NON-DISPOSITIVE MOTION DEADLINES

1. All motions which seek to amend the pleadings or to add parties must be filed and served on or before **March 1, 2013.**
2. Except as indicated in paragraph 4, non-dispositive motions and supporting documents, including those which relate to fact discovery, shall be filed and served on or before **September 1, 2013.**
3. Motions which seek to amend the pleadings to include damages, if applicable, must be filed and served on or before **June 1, 2013.**
4. All non-dispositive motions and supporting documents which relate to expert discovery shall be filed and served on or before **N/A.**

DISPOSITIVE MOTION DEADLINES

All dispositive motions shall be filed and served (and heard or scheduled, depending on District Judge assigned) on or before **November 1, 2013.**

SETTLEMENT

The parties will discuss settlement before **February 28, 2013**, the date of the initial pretrial conference, by the plaintiff making a written demand for settlement and defendant making a written response/offer to the plaintiff's demand.

TRIAL

1. Trial by Magistrate Judge

The parties have not agreed to consent to jurisdiction by the Magistrate Judge pursuant to Title 28, United States Code, Section 636(c). (If the parties agree, the consent should be filed with the Rule 26(f) Report.)

2. This case shall be ready for trial on **February 1, 2014, or 30 days after the Court rules on any pending dispositive motion, whichever is later.** The anticipated length of jury trial is **2** days.

Dated: February 21, 2013.

s/ Michael S. Poncin

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